

January 16, 2019

Via E-mail at lisa.fernandez@foxtv.com

Lisa Fernandez
Fox TV-KTVU News

RE: Public Records Act Request Dated December 19, 2018

Dear Ms. Fernandez:

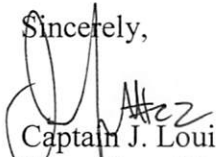
This letter is in response to your California Public Records Act request dated December 19, 2018 requesting:

- 1) *The names and reports of officer involved in police of deputy misconduct, soon to be made public as a result of SB 1421. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Please include video related to the incident.*
- 2) *As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Please include related video.*

With respect to your request for records listed above, the amendments to Penal Code section 832.7, effective January 1, 2019, do not apply retroactively, and therefore records predating January 1, 2019 are confidential personnel records and exempt from disclosure. However, the Berkeley Police Department has performed a good faith and diligent search for responsive records from the time period of January 1, 2014 to December 31, 2018 and has determined that it has no records responsive to this request. The Berkeley Police Department has also determined that there are no responsive records post-dating January 1, 2019 to the present date.

With this response, staff has completed its work to process and respond to your California Public Records Act request.

Sincerely,


Captain J. Louis
Custodian of Records